IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8321 OF 2005

1. The Nashik Education
Society and anr. ...Petitioners.

V/s

1. Mrs Veena Depak Kilkar
and Ors. ...Respondents.

Mr. M.M. Sathaye for the petitioners.
Mr. S.R. Nargolkar, AGP for respondent Nos. 2 to 4.
Mr. N.V. Bandiwadekar for respondent No.1.

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.
DATE : 13th June, 2006

P.C.:

1. By this Petition, petitioner Society is challenging the order dated 25-28/7/2005 passed by the Deputy Director of Education, Nashik Region, Nashik. It is contended by the petitioner in the petition that while passing this order which works adversely to the petitioner's interest, the petitioner was never given any hearing. Respondent Nos. 4 and 5 which is the Management contends that hearing was liable to be given by the Deputy Director of Education and not by the Management.

2. The learned Counsel appearing on behalf of the petitioner pointed out the earlier order passed by the Deputy Director of Education in favour of the

petitioner which, according to the petitioner, was passed after hearing all concerned. It cannot, therefore, be disputed that when the authority is making an order which is penal in nature, observation of the principles of natural justice is a judicial necessity. It is established on record that no such hearing was given when the impugned order was passed. In our opinion, therefore, the impugned order cannot be sustained and is liable to be set aside. It is accordingly set aside.

3. The Deputy Director of Education, Nashik Region, Nashik to hear all concerned including the petitioner afresh. We permit the petitioner to make a fresh representation concerning its grievance. On such representation being made, the petitioner and all concerned parties including respondent Nos. 4 and 5 which is the Management should be given an adequate opportunity of putting forward their case and thereafter the matter should be decided in accordance with law. This be done as far as possible within six months.

4. All contentions raised in this petition shall remain open for all parties concerned.

5. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)